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PATENT  
ATTORNEY DOCKET NO. DIVER1230-1  
(09010/045001)

**RESPONSE UNDER 37 C.F.R. § 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1652**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathur, et al.  
Serial No.: 09/202,681  
Filed: December 23, 1999  
Title: THERMOSTABLE PHOSPHATASES

Art Unit: 1652  
Examiner: R. Hutson

**BOX AF**  
Commissioner for Patents  
Washington, D.C. 20231

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TECH CENTER 1652-2900

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application, please find:

1. Notice of Appeal (2 pages);
2. Petition for One (1) Month Extension of Time (2 pages); and
3. Return Receipt Postcard.

| CERTIFICATION UNDER 37 CFR §1.8  |                                    |
|--|------------------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>December 14, 2001</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231. |                                    |
| <b>Cecilia Tobin</b><br>(Name of Person Mailing Paper)   |                                    |
| <i>Cecilia Tobin</i><br>(Signature)  | <b>December 14, 2001</b><br>(Date) |

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The Fee for this Response is calculated as follows:

| For                   | Claims Remaining<br>After Amendment | Highest Number<br>Previously Paid For | Extra<br>Claims | Large Entity<br>Rate | Small Entity<br>Rate | Calculations |
|-----------------------|-------------------------------------|---------------------------------------|-----------------|----------------------|----------------------|--------------|
| Total Claims          | 12                                  | 20                                    | 0               | x \$18               | x \$09               | \$ .00       |
| Independent<br>Claims | 4                                   | 4                                     | 0               | x \$84               | x \$42               | \$ .00       |
| Multiple Claims       |                                     |                                       |                 | \$280                | \$140                | \$ .00       |
| Basic Filing Fee      |                                     |                                       |                 | \$740                | \$370                | \$ .00       |
|                       |                                     |                                       |                 |                      | TOTAL FEE            | \$ .00       |

The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is attached.

Respectfully submitted,

Date: December 14, 2001

  
Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:  
DIVER1230-1

RECEIVED

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|   |                             |
|---|-----------------------------|
| In re Application of:<br>Mathur, et al. |                             |
| Application No:<br>09/202,681           | Filed:<br>December 23, 1999 |
| For: THERMOSTABLE PHOSPHATASES          |                             |
| Group Art Unit:<br>1652                 | Examiner:<br>R. Hutson      |

Applicants hereby appeal to the Board of Appeals from the decision transmitted via facsimile on October 16, 2001 of the Examiner rejecting claims 1-11.

|    |                                     |                                |          |
|----|-------------------------------------|--------------------------------|----------|
| 1. | <input checked="" type="checkbox"/> | Appeal Fee (37 C.F.R. 1.17(b)) |          |
|    |                                     | other than small entity        | \$320.00 |
|    | <input checked="" type="checkbox"/> | small entity                   | \$160.00 |

|    |                                   |   |         |          |          |          |          |            |          |
|----|-----------------------------------|---|---------|----------|----------|----------|----------|------------|----------|
| 2. | X                                 | A petition and fee for an extension of time for reply to the rejection is attached. |         |          |          |          |          |            |          |
| X  | Extension Fee (37 C.F.R. 1.17(a)) |   |         |          |          |          |          |            |          |
|    |                                   | other than small entity   |         |          |          |          |          |            |          |
|    |                                   | \$110.00  |         | \$400.00 |          | \$920.00 |          | \$1,440.00 |          |
|    | X                                 | small entity  |         |          |          |          |          |            |          |
|    |                                   | X   | \$55.00 |          | \$200.00 |          | \$460.00 |            | \$720.00 |

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Page 2

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|    |                                     |   |
|----|-------------------------------------|---|
| 3. | <input checked="" type="checkbox"/> | The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this sheet is attached. |
|----|-------------------------------------|---|

December 14, 2001  
Date



Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
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Customer Number 28213

**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date **December 14, 2001**, addressed to: Commissioner for Patents, Washington, D.C. 20231.

Cecilia Tobin

(Name of person mailing paper)



(Signature)

December 14, 2001

(Date)